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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,585	03/25/2004	Rhonda L. Childress	AUS920040120US1	7113
35525	7590	11/28/2008		
IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			EXAMINER PAUL, DISLER	
			ART UNIT 2614	PAPER NUMBER
			NOTIFICATION DATE 11/28/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptonotifs@yeciipaw.com

Office Action Summary**Application No.**

10/809,585

Applicant(s)

CHILDRESS ET AL.

Examiner

DISLER PAUL

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/26/08.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment with respect to claim 1 has been considered but are moot in view of the new ground(s) of rejection, and thus, a non-final is issued.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Bosch (US 2004/0204159 A1) and Bochmann (US 6,282,491 B1).

RE claim 1, Van Bosch disclose of a method for managing an audio system volume in a vehicle, the method comprising: detecting, wirelessly, a radio frequency transmission having a selected frequency through a vehicle integrated sensor, wherein the selected frequency is indicative of an incoming call to be received by-a mobile telecommunications device communicating with a base transceiver station (fig.1-2 wt (24,26); par [0028, 0031, 0048] and fig.5/enable to pick up such frequency signal from base station) ; and responsive to detecting the radio frequency transmission, determining, by the vehicle integrated sensor (fig.2 wt (24)), and inherently having such in whether a signal strength of the radio frequency transmission is greater than a predetermined threshold level, wherein the predetermined threshold level indicates that

the mobile telecommunications device is located within the vehicle (*since FM must have a predetermined level of strength to enable pick up by sensor*) and responsive to a determination that the signal strength of the radio frequency transmission is greater than the predetermined threshold level, reducing, by a controller, the audio system volume (fig.2 wt (22); par [0030, 0048]/controller to mute the audio part); monitoring, by the vehicle integrated sensor, the radio frequency transmission to form a monitored transmission; determining, by the vehicle integrated sensor, that a call has ended based on the monitored transmission (fig.3; par [0042,0045]).

While, Van Bosch further disclose of the monitoring sensor being responsive to determining that the call has ended with controller (par [0038], fig.1-5 wt (54)/based on monitor and switch to direct). But, Van Bosch fail to disclose of the specific wherein restoring, by the controller, the audio system volume to a prior setting. But, Bochmann et al. disclose of such concept wherein restoring, by the controller, the audio system volume to a prior setting (col.4 line 35-45) for enabling the user to automatically continue listening to sound music. Thus, taking the combined teaching of Van Bosch and Bochmann et al. as a whole, it would have been obvious for one of the ordinary skill in the art to have modified Van Bosch with the specific wherein restoring, by the controller, the audio system volume to a prior setting or enabling the user to automatically continue listening to sound music.

Re claim 3, the method of claim 1, wherein having a frequency (fig.1-(24); par 0048)),
But, the combined teaching of Van Bosch and Bochmann et al. as a whole, fail to disclose of the specific wherein such a selected frequency has a range from about 890MHz to about 960 MHz. But, official notice is taken having the selected frequency has a range from about 890MHz to about 960 MHz is designer's need. Thus, it would have been obvious for one of the ordinary skill in the art to have modified the combined teaching of Van Bosch and Bochmann et al. as a whole, with the selected frequency has a range from about 890MHz to about 960 MHz for enabling the establish voice communication over a hands-free cellular system.

Re claim 2, the method of claim 1, But, the combined teaching of Van Bosch and Bochmann et al. as a whole, fail to disclose of wherein the mobile telecommunications device is a global system for a mobile communications phone. But, official notice is taken having the mobile telecommunications device is a global system for a mobile communications phone is designer's need. Thus, it would have been obvious for one of the ordinary skill in the art to have modified the combined teaching of Van Bosch and Bochmann et al. as a whole, with the mobile telecommunications device is a global system for a mobile communications phone for enabling the establish voice communication over wider frequency band.

Re claim 4, the method of claim 1, wherein the audio system volume is reduced to zero decibels (par [0030]/muted).

Re claim 5, the method of claim 1, wherein the audio system volume is reduced to a preselected volume (par [0030]).

Re claim 6, the method of claim 1, wherein the sensor is an antenna configured to detect radio frequency signals (fig.2 wt (52)).

RE claim 7, the method of claim 1, wherein the vehicle is an automobile (par [0002]/in vehicle).

Re claim 8, the method of claim 5, wherein having the preselected volume (fig.2 wt (22); par [0030]) and further having a user interface (fig.5 wt (156)). But, the combined teaching of Van Bosch and Bochmann et al. as a whole, fail to disclose of the specific wherein the preselected volume is user configurable. But, official notice is taken the concept of having the preselected volume is user configurable is well known in the art, thus, it would have been obvious for one of the ordinary skill in the art to have modified the combined teaching of Van Bosch and Bochmann et al. as a whole, with the specific having the preselected volume is user configurable for enabling the user to actively adjust the audio output.

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Bosch (US 2004/0204159 A1) and Bochmann et al. and Walker et al. (US 7,286,857).

Re claim 11, the method of claim 1, But, the combined teaching of Van Bosch and Bochmann et al. as a whole, fail to disclose of the wherein the radio frequency transmission is a paging message transmitted to the mobile telecommunications device. But, Walker et al. disclose of a mobile system wherein the radio frequency transmission is a paging message transmitted to the mobile telecommunications device (fig.3; col.7 line 57-col.8 line). Thus, taking the combined teaching of Van Bosch and Bochmann et al. and Walker et al. as a whole, it would have been obvious for one of the ordinary skill in the art to have modified the combined teaching of Van Bosch and Bochmann et al. as a whole, with the radio frequency transmission is a paging message transmitted to the mobile telecommunications device for providing an enhance communication device with text messaging capabilities.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DISLER PAUL whose telephone number is (571)270-1187. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ping Lee/
Primary Examiner, Art Unit 2614

/D. P./
Examiner, Art Unit 2615